IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7885 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE D.A.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJ. PHARMACHEM INDUSTRIES MANUFACTURING & 2 - Petitioner(s)
Versus
GENERAL CO. OP. BANK LIMITED & 6 - Respondent(s)

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Appearance :
MR SURESH M SHAH for Petitioner(s) : 1 - 3.
MR PV NANAVATI for Respondent(s) : 1,
MR VIBHUTI NANAVATI for Respondent(s) : 1,
SERVED BY AFFIX.-(R) for Respondent(s) : 2 - 3, 5,
NANAVATI & NANAVATI for Respondent(s) : 4,
RULE SERVED for Respondent(s) : 6 - 7.

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CORAM : HONOURABLE MR.JUSTICE D.A.MEHTA

Date : 27/11/2007

ORAL JUDGMENT

1. It is an admitted position between the parties that except for the fact that the petitioner No.1 and respondent Nos. 2 to 7 are different the grievance voiced in the present petition is identical to the grievance voiced in Special Civil Application No.4471 of 2001. The other points of difference are the number of Lavad Suit, the number of appeal and the amount for which the suit was filed as well as the date of decision of the Tribunal, namely, 17.11.1999. In the circumstances, it is not necessary to reiterate the facts stated in Special Civil Application No.4471 of 2001.

2. For the reasons recorded in the Judgment of even date in the case of REAL PRINTERY & 2 Versus GENERAL COOP BANK LTD NR NARANPURA RAILWAY CROSSING in Special Civil Application No.4471 of 2001, the order dated 17.11.1999 in Appeal No. 388 of 1997 is quashed and set aside and the appeal restored to file of the Tribunal with identical directions.

3. In light of the view that the Court has taken, it is not necessary to pass any orders or make any directions qua the remaining prayers. Accordingly, the petition is allowed in the aforesaid terms. It will be open to the parties to move the Tribunal for expeditious hearing of the appeal. Rule made absolute to the aforesaid extent. There shall be no order as to costs.

(D.A.MEHTA, J.)

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